IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Manish Kumar Joshi & Ors. Vs. State & Anr.

S.B.CR.MISC. PETITION NO.953/2003

DATE OF ORDER :: July 11, 2006

HON'BLE MR.H.R.PANWAR,J.

Mr. N.L.Joshi, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Jitendra Singh, for non-petitioner No.2.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioners seek quashing of FIR No.362/2003, Police Station, Purani Abadi, Sri Ganganagar for the offences under sections 498-A and 406 I.P.C.

Heard learned counsel for the parties. Perused the first information report No.362/2003.

It is contended by learned counsel for the petitioners that non-petitioner No.2 earlier filed an FIR No.523/2002, Police Station, Kotwali Bhatinda, Punjab on the same facts and in that

FIR, after investigation, the police filed negative final report. The facts stated in the earlier FIR No.523/2002, Police Station, Kotwali Bhatinda, Punjab and in the FIR in question being No.362/2003, Police Station, Purani Abadi, Sri Ganganagar are almost identical. Learned counsel for the parties submit that the parties compromised the matter and marriage solemnized between non-petitoiner No.2 and petitioner No.1 Manish Kumar has been dissolved by a judgment and decree dt. 8.12.2005 passed by Additional District Judge (Adhoc), Fast Track Court, Bhatinda in File No.9 dt. 22.7.2002 decided on 8.12.2005 and, therefore, learned counsel for the complainant submits that the marriage solemnized was dissolved by a mutual consent under section 13-B of the Hindu Marriage Act and while dissolving the marriage by mutual consent, it was agreed by the parties that the case instituted against each other would be either withdrawn or not pressed and, therefore, the counsel appearing for the complainant submits that if the FIR is quashed, the complainant has no objection.

Having regard to the peculiar facts and circumstances of the case and the fact that the parties have finally settled the dispute and dissolved the marriage solemnized by a mutual consent and have been living separately, in my view no useful purpose will be served in keeping the FIR alive.

Even on merit, the petitioners have a case as in earlier FIR lodged by non-petitioner No.2, police filed the negative final report. In the circumstances, therefore, interest of justice would be met if the FIR is quashed.

Consequently, the criminal misc. petition is allowed. FIR No.362/2003, Police Station, Purani Abadi, Sri Ganganagar filed against the petitioners for the offences under sections 498-A and 406 I.P.C. is quashed. However, it is made clear that if any proceeding taken thereunder, is also quashed.

The stay petition also stands disposed of.

[H.R.PANWAR],J.

m.asif/-